

REMARKS

5 In the Final Office Action dated January 10, 2006, claims 1-20 were rejected
under 35 U.S.C. § 103(a) as allegedly being unpatentable over US 2001/0050371 A1
("Odaki et al.") in view of US 2003/0222268 A1 ("Yocom et al."). In response,
Applicants have amended the independent claims 1, 8 and 15 to more clearly
distinguish the claimed invention from the cited references. Claims 2-4, 9-11 and 16-
18 have also been amended. As set forth below, the amended independent claims 1, 8
10 and 15 are not obvious in view of the cited references of Odaki et al. and Yocom et al.
In view of these claim amendments and the following remarks, Applicants
respectively assert that the amended independent claims 1, 8 and 15, as well as the
dependent claims 2-7, 9-14 and 16-20, are now in condition for allowance.

15 **A. Patentability of Amended Independent Claims 1, 8 and 15**

The independent claims 1, 8 and 15 were rejected under 35 U.S.C. §103(a) as
allegedly being unpatentable over Odaki et al. in view of Yocom et al. In response,
Applicants have amended the independent claims 1, 8 and 15 to more clearly
20 distinguish the claimed invention from the cited references. As amended, the cited
references of Odaki et al. and Yocom et al. when combined do not disclose each
recited element of the independent claims 1, 8 and 15. Thus, Applicants respectfully
assert that the amended independent claims 1, 8 and 15 are not obvious in view of the
cited references, and respectfully request that these claims be allowed.

25 To establish a *prima facie* case of obviousness, three basic criteria must be
met. First, there must be some suggestion or motivation, either in the references
themselves or in the knowledge generally available to one of ordinary skill in the art,
to modify the reference or to combine reference teachings. Second, there must be a
30 reasonable expectation of success. Finally, the prior art reference (or references when
combined) must teach or suggest all the claim limitations. The teaching or suggestion
to make the claimed combination and the reasonable expectation of success must both
be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947
F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As amended, the independent claim 1 recites in part "*said Group IIB element Selenide-based phosphor material including Group IIB element Selenide exclusively activated by an element selected from a group consisting of Copper, Chlorine, Fluorine, Bromine and Silver.*" The cited reference of Yocom et al. discloses in paragraph [0023] "[a] family of II-VI phosphors based on zinc and cadmium, including their sulfides, selenides and tellurides that provide a group of solid solutions from ZnS and CdTe are particularly preferred." The cited reference of Yocom et al. further discloses in paragraph [0023] that "[w]hen activated with copper or silver and coactivated with a halide or a trivalent ion such as aluminum, gallium or lutetium, these phosphors provide luminescent emission which changes gradually as the composition of the solid solution changes" (emphasis added). Thus, the cited reference of Yocom et al. does not disclose "*said Group IIB element Selenide-based phosphor material including Group IIB element Selenide exclusively activated by an element selected from a group consisting of Copper, Chlorine, Fluorine, Bromine and Silver,*" as recited in the amended claim 1. Consequently, the cited references of Odaki et al. and Yocom et al., even when combined in the manner suggested by the Examiner, do not teach or suggest each recited element of the amended independent claim 1. Thus, Applicants respectfully assert that the amended independent claim 1 is not obvious over Odaki et al. in view of Yocom et al., and request that the amended claim 1 be allowed.

The amended independent claims 8 and 15 recite similar limitations as the amended independent claim 1. Thus, the above remarks are also applicable to the amended independent claims 8 and 15. As such, Applicants respectfully assert that the amended independent claims 8 and 15 are also not obvious over Odaki et al. in view of Yocom et al., and request that the amended claim 8 and 15 be allowed as well.

B. Patentability of Dependent Claims 2-7, 9-14 and 16-20

Each of the dependent claims 2-7, 9-14 and 16-20 depends on one of the amended independent claims 1, 8 and 15. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that

these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the
5 remarks made herein. A notice of allowance is earnestly solicited.

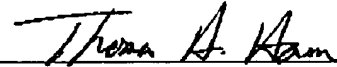
Respectfully submitted,

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